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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,751	06/22/2001	Steven S. Kantner	55980USA1B.004	7737

7590 08/09/2004

Attention: Robert W. Sprague  
Office of Intellectual Property Counsel  
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EXAMINER

KANTAMNENI, SHOBHA

ART UNIT PAPER NUMBER

1617

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/887,751

**Applicant(s)**

KANTNER ET AL.

**Examiner**

Shobha Kantamneni

**Art Unit**

1617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13, 15 is/are allowed.
- 6) ☒ Claim(s) 17, 18 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

Receipt is acknowledged of Amendment filed on April 13, 2004. Claims 1-13, 15, 17, 18 are pending.

In view of applicants response with the newly added limitation in claim 1 "optionally with added rapid evaporating solvents", rejection of claims 1-13, 15, and 18 under 35 U.S.C. 112 is withdrawn as the specification enables the use of rapid evaporating solvents such as hexamethyldisiloxane, C4-C10 alkanes, acetone, hydrofluoroethers on page 7, columns 23-30.

In view of applicants response, claim 17 rejection based on the Tg of less than 19 °C under 35 U.S.C. 112 is withdrawn as the applicants arguments are persuasive, invention polymers listed in Tables I, II and III have Tg of less than 19 °C.

The Claim rejections under 35 U.S.C 103 in view of Bolich are withdrawn as the applicant has amended claim 1 with the new limitation of "at least some hydrophilic monomer units".

### ***Claim Objections***

Claim 17 objected to because of the following informalities: Line 6 in the claim is written as "Tg of less that". Appropriate correction is required.

On further consideration the following new non-final rejections is being made.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bolich, Jr. et. al. (US.5,662,892).

Bolich teaches hair care compositions containing the copolymers of C1-C18 alkyl esters of acrylic or methacrylic acid having the same limitation of the instant claims 17 and 18. See col.25, lines 57-60. The monomers of instant claim 17(a)(i) such as 2-ethylhexyl acrylate in the amount of 10-90 weight %; and the monomers of the instant claim 17(a)(ii) such as isobornyl (meth)acrylate in the amount of 5-90 weight % are disclosed. See col.4, lines 47-53. The reference further teaches that by appropriate selection and combination of the particular monomers, and by choice of specific relative ratios of the monomers one of ordinary skill in the art can optimize the various physical properties such as water and solvent solubility, Tg 's and non-tack of the copolymers. See col. 5, lines 23-30 and col. 4, lines 53-60. The physical properties such as Tg of less than 19 °C would be inherent to the copolymers obtained, by appropriate selection and combination of particular monomers in specific relative weight ratios.

#### ***Allowable Subject Matter***

Claims 1-13 and 15 are free of art.

#### ***Conclusion***

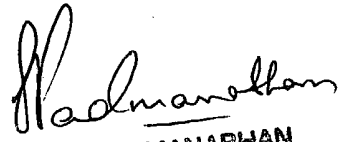
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shobha Kantamneni whose telephone number is 571-272-2930. The examiner can normally be reached on 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SREENI PADMANABHAN  
SUPERVISORY PATENT EXAMINER